

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Mitchell Sumpter,) C/A No. 8:14-106-JFA-JDA
)
Plaintiff,)
)
vs.) ORDER
)
Georgetown County Detention Center; A.)
Lane Cribb, Sheriff of Georgetown County;)
Michael A. Schwartz, Administrator; Southern)
Health Partners; Head Nurse Connie; Nurse)
Dorean; Dr. Reeves; Capt. Wineglass; ~~All~~)
~~Captains; All Lieutenants; All Sergeants; All~~)
~~Corporals; All Staff~~; Myrtle Beach Grand)
Strand Hospital; Doctor Davison; all in)
individual and official capacities,)
)
Defendants.)
)

The *pro se* plaintiff, Mitchell Sumpter, is an inmate at the Georgetown County Detention Center. He brings this action pursuant to 42 U.S.C. § 1983 alleging various violations of his constitutional rights.

The Magistrate Judge assigned to this action¹ has prepared a Report and Recommendation and opines that the plaintiff's motion for a temporary restraining order/ preliminary injunction should be denied without prejudice because the case has not been

¹ The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b)(1).

brought in proper form. In addition, the Magistrate Judge notes that she has not determined yet whether service of process of the complaint should be authorized on the defendants. The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation.

The plaintiff was advised of his right to file objections to the Report and Recommendation and he has timely done so. The plaintiff objects to the Report of the Magistrate Judge, essentially repeating all the arguments made in his initial motion for a preliminary injunction.

As the Magistrate Judge notes in her Report, under Fed. R. Civ. P. 65(a), a district court may issue a temporary restraining order only on notice to the adverse party. Because this case is still not in proper form, it is not appropriate for the court to decide this motion at this time.

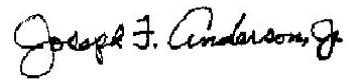
After carefully reviewing the applicable laws, the record in this case, the Report and Recommendation, and the objections thereto, this court adopts and incorporates the Report herein by reference.

Accordingly, plaintiff's motion for a temporary restraining order (ECF No. 9) is denied without prejudice. Plaintiff may refile the motion after the case is brought into proper form and all parties are properly served.

The Clerk shall docket the plaintiff's motion to extend time (ECF No. 16) moot, as the plaintiff has already filed objections to the Report.

IT IS SO ORDERED.

March 18, 2014
Columbia, South Carolina

A handwritten signature in black ink, reading "Joseph F. Anderson, Jr." in a cursive script.

Joseph F. Anderson, Jr.
United States District Judge